UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FLORENCE MUSSAT, M.D., S.C., an Illinois Corporation, individually and on behalf of similarly situated persons,	)	**No. 13 CV 7798**
Plaintiff,	)	
v.	)	**Magistrate Judge Young B. Kim**
INSURANCE GROUP OF AMERICA HOLDINGS, L.L.C. and TIMOTHY E. SHERIDAN,	)	
	)	**January 6, 2015**
Defendants.	)	

AMENDED PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT

THE MATTER coming before the Court to determine whether the Class Action Settlement ("Settlement") between Plaintiff Florence Mussat, M.D., S.C., ("Plaintiff") and Defendants Insurance Group of America Holdings, L.L.C. ("IGA") and Timothy E. Sheridan ("Sheridan") (together "Defendants") (collectively with Plaintiff (the "Parties")) should be preliminarily approved, the Court finds as follows:

I. That the Settlement was reached by the Parties through arm's-length settlement negotiations before the Court. The Court finds that the establishment of common settlement of $52,500 (fifty-two thousand five hundred dollars), to pay each claiming class member on a pro rata basis up to $500 (five hundred dollars), Plaintiff's Award of $2,500 (two thousand five hundred dollars), and the amount of attorney's fees and costs in the amount of $20,000 (twenty thousand dollars), that amount being 38.01% (thirty-eight and one hundredths of a percent) of the common settlement fund, with a *cy pres* award to the American Red Cross of any settlement funds remaining and uncashed class member checks are reasonable. The Court further finds that the requirement that the costs of notice and costs of administration be paid by Defendants separately from the common settlement fund is reasonable.

II. That the Parties have presented this Court a plan to provide Direct Notice to the Settlement Class Members by fax explaining the terms of the settlement along with the various options those Class Members have, including the right for the Class Members to exclude themselves by opting out or filing an objection to be reasonable. The Court finds that the notice plan above is consistent with Federal Rule of Civil Procedure 23(c)(2)(B).

III. The terms used in this Order reflect the meaning of the terms set forth in the Settlement Agreement.

The Court finds that the proposed settlement is within the range of fairness and reasonableness and therefore meets the requirements for preliminary approval. Good cause appearing and therefore, IT IS HEREBY ORDERED:

1. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court conditionally certifies the following Class, for settlement purposes only, defined as:

> All persons, from whom their name was obtained from InfoUSA, who were sent one or more facsimile messages from June 1, 2012, to May 10, 2013, in the form of the fax sent to Plaintiff.

2. The Court appoints Curtis C. Warner as class counsel ("Class Counsel").

3. The Court appoints Florence Mussat, M.D., S.C., as the Class Representative.

4. On or before January 15, 2015, Defendants shall comply with the notice requirements of the Class Action Fairness Act of 2005, 28 U.S.C. §1715(b) and Defendants shall file with the Court proof of compliance of the notice requirements of the Class Action Fairness Act of 2005, 28 U.S.C. §1715(b).

5. The Court approves the notice and enters the following order:

a. On or before February 2, 2015, (the "Notice Date"), Notice substantially in the form of Exhibit A and the Claim Form in the form of Exhibit B attached to the Parties' Settlement Agreement shall be faxed to the Class Members (both revised pursuant to the Court's order of December 11, 2014);

b. On or before, March 19, 2015, any Class Members who desires exclusion from the action must file a request for exclusion with the Clerk of the Court and may if they choose serve copies of the request upon class counsel and counsel for Defendants.

c. On or before, March 19, 2015, any Class Members who wish to object to the settlement must submit the objection to the Clerk of the Court. Any objection must include the name and number of the case and a statement of the reasons why the objector believes that the Court should find that the proposed settlement is not in the best interests of the class and include any documentation that supports the objections. Objectors who have filed written objections to the settlement may also appear at the hearing and be heard on the fairness of the settlement. Objections will be considered by the Court without the objector appearing at the fairness hearing.

d. On or before March 19, 2015, any objector or attorney representing an objector must file their appearance in this matter.

e. On or before April 2, 2015, Plaintiff and/or Defendants may file a memorandum in support of the Settlement prior to the fairness hearing.

f. On or before February 5, 2015, Class Counsel must file a motion for an award of fees and expenses.

g. A hearing on the fairness and reasonableness of the Settlement and whether final approval shall be given to it and the requests for fees and expenses by class counsel will be held before this Court on April 23, 2015, at 11:00 a.m. in courtroom 1019.

h. Providing that, pending the Fairness Hearing and the Effective Date, Plaintiff, and all members of the Settlement Class, are enjoined from commencing or prosecuting, either directly or indirectly, any action asserting any of the Released Claims against any of the Released Parties unless they first have timely Opt-Out or otherwise exclude themselves.

ENTER:

Young B. Kim
United States Magistrate Judge